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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/626,909

07/25/2003

Matthew Wilbur Naiva

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EXAMINER

WRIGHT, INGRID D

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1201 South Second Street
Milwaukee, WI 53204-2496

ART UNIT

PAPER NUMBER

2835

DATE MAILED: 06/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/626,909	Applicant(s) NAIVA ET AL.	
	Examiner Ingrid Wright	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7-25-2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7-10, 11-13, 15-18, 23-26 is/are allowed.
- 6) ☒ Claim(s) 6, 14, 19-22 is/are rejected.
- 7) ☒ Claim(s) 27-30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 7-25-2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 27,28 are drawn to the method, but depend from apparatus claim 26.

Claims 29,30 are drawn to a system but depend from method claim 27.

Therefore, claims 27-30 are withdrawn from further consideration on the merits until proper corrections of the dependencies are made.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 6,14,20,22, & 30 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 20, the claim recites the limitation "the second inner volume" in the last line of the claim. There is insufficient antecedent basis for this limitation in the claim.

Regarding claims 6,14, 22 & 30, the claims recite the limitation "mounting areas" in the second lines of the claims. There is insufficient antecedent basis for this limitation in the claims.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 19-21 are rejected under 35 U.S.C. 102(b) as being anticipated by Saaski et al. (US PN 4833567).

With respect to claim 19, Saaski et al. teaches (Fig. 1) a thermally conductive base (18) having a seal groove configured to receive a seal (24) for sealing the base (18) to a plurality of modular electrical components (12), a plurality of mounting surfaces (16) (each member (16) has a surface) for supporting the base (18) and the plurality of electrical components (12) in service, and a plurality of integral convective heat transfer elements (see Fig. 1) extending from both inner (inner elements formed by side walls (30)) and outer (25) surfaces thereof for transferring heat from a sealed inner volume directly adjacent to the inner surface thereof to the environment surrounding the thermal base (18).

With respect to claim 20, as best understood, Saaski et al. teaches (Fig. 1) a plurality of convective heat transfer elements (See Fig. 1) on the inner surface (inner elements formed by side walls (30)) of the thermal base (18).

With respect to claim 21, as best understood, Saaski et al. teaches (Fig. 1) that a plurality of convective heat transfer elements on the outer surface of the base (18) are fins (25) extending from the base (18).

Allowable Subject Matter

4. Claims 1-5,7-10,11-13,15-18, & 23-26 are allowed.

Claims 6,14 & 22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

The allowability resides in the overall structure of the device as recited in independent claims 1,11,17,18,23 & 26, and at least in part, because claims 1,11,23, & 26 recite: "a first inner volume," "a second inner volume," and "a plurality of convective heat transfer elements on both inner and outer surfaces thereof" and claims 17 & 18 recite: "a first inner volume," "a second inner volume," and "a plurality of integral convective heat transfer elements extending from both inner and outer surfaces thereof." The aforementioned limitations in combination with all remaining limitations of claims 1,11,17,18,23 & 26 are believed to render the claims and all claims dependent therefrom patentable over the art of record.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Nielsen et al (US PN 6493227 B2), Barker, III et al. (US PN 5175613), Petri (US PN 3909679), May (US PN 6563049 B2), Lebo (US PN 6741466 B1), Laliberte (US PN 6463743 B1), Markow et al. (US PN 6043981), Synder et al. (US 2002/0131237 A1), Andersen et al. (US PN 5305184), Tinder (US PN 4707726), No (US PN 5212627), Brzezinski (US PN 5323292), Benck et al. (US PN 5138523), Balderes et al. (US PN 4233645) and Bruchmann et al. (US PN 4897764) show the general state of the art regarding heat sink mounting assemblies and modular housing and modular components.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571) 272-8392. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild can be reached on (571) 272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2835

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

IDW

A handwritten signature in black ink, appearing to read 'A. Vortman', with a long horizontal line extending to the right.

**ANATOLY VORTMAN
PRIMARY EXAMINER**